



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,121	12/18/2001	Daijiro Murata	16869S-040200US	3817
20350 7590 12/04/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHOI, PETER H	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 12/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/025,121

Applicant(s)

MURATA ET AL.

Examiner

Peter Choi

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 3623

DETAILED ACTION

1. The following is a **FINAL** office action upon examination of application number 10/025,121. Claims 1-3, 9, and 11-14 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claims 1, 2 and 9 have been amended in the submission filed on September 24, 2007. Claims 11-14 have been added. Claims 4-8 and 10 were previously canceled.
3. The previous rejection of claims 1-3 and 9 raised under 35 U.S.C. 112, second paragraph, are withdrawn in view of amendments to the claims filed on September 24, 2007.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has argued the claims as amended. Arguments directed towards newly amended subject matter will be addressed in the updated Office Action below. Specifically, Applicant argues that Stevens does not teach "defining relationships among respective works of said subproject, respective works of said upper subproject, and respective works of an uppermost project by using the work ID in the subproject, a master work ID assigned for the same work in the upper subproject as the subproject,

Art Unit: 3623

and an uppermost work ID assigned for the same work in the uppermost subproject as the subproject", nor "referring to the upper work ID, collecting the work IDs of a same stage from the work IDs having the same uppermost master work ID from the work IDs of the same stage, and calculating the attribute values of a compound work using the collected attribute values".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1-3, 9 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 recites the limitation "the calculated attribute values". There is insufficient antecedent basis for this limitation in the claim. Independent claim 9 sets forth that attribute values are collected for works of a subproject, but does not establish that any calculations are performed on the collected attribute values; thus, there is no antecedent basis for "the calculated attribute values". Examiner notes that independent claim 1, which is similar in scope, recites the step of "calculating the attribute values of a compound work using the collected attribute values". Correction is required.

8. Claims 1 and 9 recite the use of work IDs, upper work IDs, master work IDs, and uppermost work IDs assigned to a work in a (sub)project. The relationship between the

Art Unit: 3623

various IDs assigned to each of the works comprising a project, and the collection of attribute values based on said IDs is unclear. Based on the specification, it appears as though the progress degree of each work is obtained and aggregated to derive a progress degree of each subproject. For example, project "Make Sandwich 1" comprises subprojects of "Prepare Bread 1.1", "Prepare Vegetables 1.2", and "Prepare Meat 1.3". Subproject "Prepare Meat 1.3" comprises the additional tasks of "Obtain Turkey 1.3.1" and "Obtain Ham 1.3.2", both of which require 3 minutes. It is unclear whether the claimed subject matter is directed towards linking "Obtain Ham 1.3.2" as having upper subproject "Prepare Meat 1.3", and uppermost project "Make Sandwich 1", and the collection of attribute values yielding a time of 6 minutes for "Prepare Meat 1.3" within the project "Make Sandwich 1". For examination purposes, the "Make Sandwich" project described above describes the Examiner's interpretation of the newly amended limitations of "defining relationships among respective works of said subproject, respective works of said upper subproject, and respective works of an uppermost project by using the work ID in the subproject, a master work ID assigned for the same work in the upper subproject as the subproject, and an uppermost work ID assigned for the same work in the uppermost subproject as the subproject" and "defining relationships among respective works of said subproject, respective works of said upper subproject, and respective works of an uppermost project by using the work ID in the subproject, a master work ID assigned for uppermost project by using the work ID in the subproject, and an uppermost work ID assigned for the same work in the uppermost subproject as the subproject".

Art Unit: 3623

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-3, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larry Steven's "Simplifying Complex Project Management: Complex Projects at US West Benefit from AutoPlan II Project Management Software" (previously supplied, herein referred to as Stevens), in view of the Project Management Institute's "A Guide to the Project Management Body of Knowledge" (reference 1-U, hereinafter referred to as PMBOK).

Art Unit: 3623

As per claim 1, Stevens teaches a method of managing a hierarchically structured project on a computer, comprising the steps of:

(a) defining subprojects composing the hierarchical structure **(You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks)** [Paragraph 10];

(b) defining which works compose the subproject, through selection by a user from works which compose an upper subproject **(You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks)** {Thus, the upper subproject (the 12 levels of work breakdown structures) organizes 10,000 tasks or milestones into 128 levels of resources (i.e., subprojects), thereby defining subprojects based on the works of an upper subprojects} [Paragraph 10];

(d) defining relationships among respective works of said subproject, respective works of said upper subproject, and respective works of an uppermost project by using the work ID in the subproject, a master work ID assigned for uppermost project by using the work ID in the subproject, and an uppermost work ID assigned for the same work in the uppermost subproject as the subproject **(Using the graphical interface [of AutoPlan II], tasks or entire projects can be linked together.**

Consequently, it is possible to specify that one task can't begin until either one of two other tasks is completed) [Paragraph 11];

Art Unit: 3623

(e) collecting attribute values of the work IDs having the same uppermost master work ID from the work IDs of the same stage, and calculating the attribute values of a compound work using the collected attribute values **(Required resources (people or material), as well as time limitations, can be specified for each task in a project; PERT charts display tasks with information about resources or start and finish dates and show the relationships among tasks and between tasks and milestones; Gantt charts graphically show the planned chronology of a project)** [Paragraphs 11, 14, 15]; and

(f) displaying the calculated attribute values of said compound work **(PERT charts display tasks with information about resources or start and finish dates and show the relationships among tasks and between tasks and milestones; Gantt charts graphically show the planned chronology of a project; AutoPlan II generates reports, such as the plan-versus-actual dates and costs, and percentage of the project (or sub-project) completed)** [Paragraphs 14, 15, 18].

Although not explicitly taught by Stevens, PMBOK teaches

(c) storing work ID serially assigned for each of the works composing the subproject, the subproject to which the work belongs, and attribute values of the work **(Each item in the WBS is generally assigned a unique identifier; these identifiers can provide a structure for a hierarchical summation of costs and resources)** [Section 5.3.3.1, page 60]; and

Art Unit: 3623

(e) referring to the upper work ID, collecting the work IDs of a same stage from the work IDs in the subproject selected by the user, collecting attribute values of the work IDs having the same uppermost master work ID from the work IDs of the same stage, and calculating the attribute values of a compound work using the collected attribute values **(The project schedule may be presented using Project network diagrams with date information added. These charts usually show both the project logic and the project's critical path activities. Bar charts, also called Gantt charts, show activity start and end dates, as well as expected durations, and sometimes show dependencies) {thus, identifying the project's critical path activities, and the expected duration of each activity, the time required to complete a (sub)project can be calculated by aggregating the time required to complete each activity comprising the (sub)project}** [Section 6.4.3.1, Pages 77-78].

Both Stevens and PMBOK are directed towards using the Work Breakdown Structure concept in project management. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Stevens to include the step of assigning an ID code to each work of a project, along with attribute values of each of said works to calculate attribute values of a compound work, because doing so enhances the teachings of Stevens by providing a uniform structure for cost control and reporting in estimating and accounting for the costs of works of a project, providing a basis in comparing the cost of similar work in different projects or at different locations, or to be used as a benchmark when estimating the incurred costs of similar

Art Unit: 3623

projects, and also to derive the total costs/time requirements of a compound work by cumulatively adding the costs/time requirements of the components that make up said compound work, to be used in project/resource/cost management and planning.

As per claim 2, Stevens teaches a project management method as claimed in claim 1, wherein the attribute values include progress information and the method displays a progress degree of all works composed as said compound work (**AutoPlan II is designed to allow workgroups to plan and monitor projects. It contains the two most common project management charts: Gantt and PERT charts; AutoPlan II also has a wide range of reporting options. For example, reports can be produced on percent of task completed, time remaining; PERT charts display tasks with information about resources or start and finish dates and show the relationships among tasks and between tasks and milestones; Gantt charts graphically show the planned chronology of a project. When you list the tasks in a column, the time period for those tasks is displayed horizontally across the screen; The reports most often selected are plan-versus-actual dates and costs, and percentage of the project (or sub-project) completed. The reports can be displayed in tabular or graphical format**) [Paragraphs 11, 12, 13, 14, 15, 18].

As per claim 3, Stevens teaches a project management method as claimed in claim 1, wherein an access privilege is set to said project, said subproject and said work, and the informations of said project, said subproject and said work, the access

Art Unit: 3623

privileges of which are given to the user, are displayed **(set up passwords by user identification, specifying which users can make changes and which can merely create reports and view the project charts)** [Paragraph 20].

As per claim 9, Stevens teaches a system of managing a hierarchically structured project, comprising:

(a) project defining means for defining subprojects composing the hierarchical structure **(You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks) {Thus, the upper subproject (the 12 levels of work breakdown structures) organizes 10,000 tasks or milestones into 128 levels of resources (i.e., subprojects), thereby defining subprojects based on the works of an upper subprojects}** [Paragraph 10];

(b) WBS (Work Breakdown Structure) defining means for defining which works compose the subproject, through selection by a user from works which compose an upper subproject **(You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects)** [Paragraph 10];

(d) relation defining means for defining relationships among respective works of said subproject, respective works of said upper subproject, and respective works of an uppermost project by using the work ID in the subproject, a master work ID assigned for the same work in the upper subproject as the subproject, and an uppermost work ID

Art Unit: 3623

assigned for the same work in the uppermost subproject as the subproject **(Using the graphical interface [of AutoPlan II], tasks or entire projects can be linked together. Consequently, it is possible to specify that one task can't begin until either one of two other tasks is completed)** [Paragraph 11];

(f) display means for displaying the calculated attribute values of said compound work **(PERT charts display tasks with information about resources or start and finish dates and show the relationships among tasks and between tasks and milestones; Gantt charts graphically show the planned chronology of a project; AutoPlan II generates reports, such as the plan-versus-actual dates and costs, and percentage of the project (or sub-project) completed)** [Paragraphs 14, 15, 18].

Although not explicitly taught by Stevens, PMBOK teaches

(c) storing work ID serially assigned for each of the works composing the subproject, the subproject to which the work belongs, and attribute values of the work **(Each item in the WBS is generally assigned a unique identifier; these identifiers can provide a structure for a hierarchical summation of costs and resources)** [Section 5.3.3.1, page 60]; and

(e) referring to the upper work ID, collecting the work IDs of a same stage from the work IDs in the subproject selected by the user, collecting attribute values of the work IDs having the same uppermost master work ID from the work IDs of the same stage, and calculating the attribute values of a compound work using the collected

Art Unit: 3623

attribute values (The project schedule may be presented using Project network diagrams with date information added. These charts usually show both the project logic and the project's critical path activities. Bar charts, also called Gantt charts, show activity start and end dates, as well as expected durations, and sometimes show dependencies) {thus, identifying the project's critical path activities, and the expected duration of each activity, the time required to complete a (sub)project can be calculated by aggregating the time required to complete each activity comprising the (sub)project} [Section 6.4.3.1, Pages 77-78].

Both Stevens and PMBOK are directed towards using the Work Breakdown Structure concept in project management. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Stevens to include the step of assigning an ID code to each work of a project, along with attribute values of each of said works to calculate attribute values of a compound work, because doing so enhances the teachings of Stevens by providing a uniform structure for cost control and reporting in estimating and accounting for the costs of works of a project, providing a basis in comparing the cost of similar work in different projects or at different locations, or to be used as a benchmark when estimating the incurred costs of similar projects, and also to derive the total costs/time requirements of a compound work by cumulatively adding the costs/time requirements of the components that make up said compound work, to be used in project/resource/cost management and planning.

Art Unit: 3623

As per claim 11, although not explicitly taught by Stevens, PMBOK teaches a project management method as claimed in claim 1, wherein, in the step of calculating the attribute values of a compound work, the work which does not satisfy a condition set for the attribute values of the works is excluded from the compound work (**work not in the WBS is outside the scope of the project**) [Section 5.3.3.1, page 60].

Both Stevens and PMBOK are directed towards using the Work Breakdown Structure concept in project management. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Stevens to include the step of calculating attribute values of a compound work to determine inclusion/exclusion from a compound work, because doing so enhances the teachings of Stevens by ensuring that only works relevant to the scope of a project are included in the development of a work breakdown structure used in project planning.

Claim 13 recites limitations already addressed by the rejection of claim 11 above; therefore, the same rejection applies.

As per claim 12, although not explicitly taught by Stevens, PMBOK teaches a project management method as claimed in claim 1, wherein a document is registered for each of the works (**In the Activity Definition process in developing the project time schedule, the WBS is used as an input, and as an output, an activity list is produced that includes all activities that will be performed on the project,**

Art Unit: 3623

including descriptions of each activity) [Sections 6.1.1.1, 6.1.3.1 Pages 67-68] and the method further comprises the step of collecting document registration information of the work having the same uppermost work ID (**Other “breakdown” structures used to present project information include Organizational breakdown structure (OBS), which is used to show which work components have been assigned to which organizational units, and Resource breakdown structure (RBS), which is a variation of the OBS and is typically used when work components are assigned to individuals)** [Section 5.3.3.1, Page 61].

Both Stevens and PMBOK are directed towards using the Work Breakdown Structure concept in project management. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Stevens to include the step of registering a document and document registration information for all the works of a project, because doing so enhances the teachings of Stevens by establishing the resources and person(s) responsible/needed for each work component, further providing accountability for cost, performance, and adherence to schedules.

Claim 14 recites limitations already addressed by the rejection of claim 12 above; therefore, the same rejection applies.

Conclusion

Art Unit: 3623

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Cost Estimating Guide" (reference 1-V), published by the US Department of Energy in 1997, discloses aspects of project management, including work breakdown structures, code of accounts, and a cost code system.

"Work Breakdown Structure Reference Guide" (reference 1-W), published by NASA as part of its Program/Project Management Series in May 1994, discloses NASA's use of the work breakdown structure and cost accounts in program/project management.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

November 28, 2007


ROMAIN JEANTY
PRIMARY EXAMINER